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Applicant: Pachl
Appl. No.: 10/581,409
Filing Date: September 20, 2006
Title: COATED TEST ELEMENTS
Attorney Docket No.: 22344US
Pub. No.: 2007/0110613 A1
Pub. Date: May 17, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on August 30, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in dependent claim 7, wherein "claim 1" is misprinted as "one of claims 1 to 6" and the symbol " \geq " is misprinted as ">".

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable.**" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication, received on August 30, 2007, was not timely filed under 37 CFR 1.221(b).

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

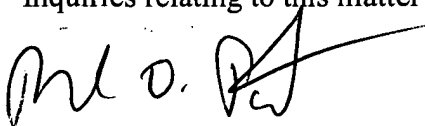
requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

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Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read "Mark O. Polutta", with a long horizontal stroke extending to the right.

Mark O. Polutta
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